



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

## **Campaign Contributions During Legislative Session**

### **What people and organizations are prohibited from making campaign contributions during a legislative session?**

Lobbyists, lobbyist associates, their employers (*i.e.*, their clients), and political action committees that are affiliated with an employer. (A lobbyist associate is a colleague or employee of a lobbyist who also lobbies on behalf of an employer.)

### **What candidates are covered by the ban?**

Legislators, the Governor, the constitutional officers, and members of their staff who choose to run for office (“covered candidates”).

### **What about legislative caucus PACs and leadership PACs?**

The ban applies to contributions to any PAC closely associated with a legislator or other covered candidate, such as a legislative caucus PAC or a leadership PAC. Those PACs may only accept contributions from the prohibited sources during the session if the contributions are segregated in a fund that is not used to influence the election of any incumbent Legislators, the Governor or incumbent constitutional officers. The ban also applies to a contribution to a candidate made indirectly through a party committee.

### **Does the prohibition apply to other candidates?**

No.

### **Can other donors make contributions during a legislative session?**

Yes. Candidates may accept contributions from other sources that do not employ lobbyists in Maine, such as family members, neighbors, national associations, national parties, and local businesses. Legislative caucus PACs and leadership PACs may also accept contributions during the legislative session from these sources.

### **When does the ban apply?**

Lobbyists, lobbyist associates, and employers cannot make contributions to covered candidates and closely associated PACs while the Legislature is in session – from the time the Legislature is convened until final adjournment. This includes special sessions.

**What if a Legislator solicits a contribution before the session, but the contribution is not received until after the session begins? Is this allowed?**

No. Acceptance means the receipt or deposit of a contribution. If a covered candidate receives a contribution from a prohibited source after the Legislature convenes, the Commission suggests returning the contribution and waiting to solicit another contribution from this source until after the Legislature has finally adjourned.

**Does the prohibition apply to seed money contributions or \$5 qualifying contributions given to candidates intending to participate in the Maine Clean Election Act?**

During the session, lobbyists and lobbyist associates are not permitted to make seed money contributions (\$100 contributions to candidates intending to participate in the Maine Clean Election Act), but they may make qualifying contributions (\$5 donations made payable to the Maine Clean Election Fund in support of a candidate seeking to qualify for Maine Clean Election Act funds).

**Is a candidate allowed to go to fundraising events for a political party during the session if his or her campaign does not receive a contribution?**

Yes. The prohibition does not apply to a covered candidate's attendance at a fundraising event held by a party committee, so long as the candidate was not involved in soliciting contributions for the event from prohibited sources and the proceeds are paid directly to the party or a charitable organization.

**Who is responsible for checking if the contributor is prohibited?**

It is the candidate's responsibility to screen contributions to make sure they are not from prohibited sources. Candidates can check the current lists of lobbyists, lobbyist associates and employers on the Commission's e-filing Web site (<http://www.mainecampaignfinance.com/public/home.asp>). It is also the responsibility of lobbyists, lobbyist associates, and their employers to avoid making campaign contributions during the session to candidates subject to the prohibition.

**Are there any exceptions to the prohibition?**

Yes. The following contributions are *not* covered by the prohibition:

- contributions received during an election year after the March 15 deadline for party candidates to file nominating petitions;
- contributions accepted by a covered candidate for a campaign for federal office;
- contributions relating to a special election to fill a vacancy that are made from the time of the announcement of the election until the election occurs; and
- contributions for bona fide social events hosted for nonpartisan, charitable purposes.

**For more information, please contact the Commission staff at 287-4179**

## **Title 1 M.R.S.A. §1015(3)**

**Campaign contributions and solicitations prohibited.** The following provisions prohibit certain campaign contributions and solicitation of campaign contributions during a legislative session.

A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist associate" have the same meanings as in Title 3, section 312-A and the term "contribution" has the same meaning as in Title 21-A, section 1012.

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, except for a qualifying contribution as defined under Title 21-A, section 1122, subsection 7. A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution, other than a qualifying contribution, to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to direct and indirect solicitation, acceptance, giving, offering and promising, whether through a political action committee, political committee, political party or otherwise.

C. This subsection does not apply to:

- (1) Solicitations or contributions for bona fide social events hosted for nonpartisan, charitable purposes;
- (2) Solicitations or contributions relating to a special election to fill a vacancy from the time of announcement of the election until the election;
- (3) Solicitations or contributions after the deadline for filing as a candidate as provided in Title 21-A, section 335; and
- (4) Solicitations or contributions accepted by a member of the Legislature supporting that member's campaign for federal office.

C-1. This subsection does not prohibit the attendance of the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer at fund-raising events held by a municipal, county, state or national political party organized pursuant to Title 21-A, chapter 5, nor the advertisement of the expected presence of any such official at any such event, as long as any such official has no involvement in soliciting attendance at the event and all proceeds are paid directly to the political party organization hosting the event or a nonprofit charitable organization.

D. A person who intentionally violates this subsection is subject to a civil penalty not to exceed \$1,000, payable to the State and recoverable in a civil action.

# **Chapter 1, Section 12 of the Ethics Commission Rules**

## **Campaign Contributions During Legislative Session**

1.     Seed Money Contributions. Legislators and other individuals covered by Title 1 M.R.S.A. Section 1015(3)(B) may not intentionally solicit or accept a seed money contribution from a lobbyist or lobbyist associate during any period of time in which the Legislature is convened until final adjournment.
2.     Acceptance of Contributions Through Political Action Committees. During a legislative session, political action committees that are closely associated with a Legislator, such as committees organized to elect a candidate or Legislator to a leadership position or committees organized to elect the candidates of a legislative caucus, may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate, or employer. During the legislative session, these political action committees may accept contributions from individuals and organizations that are not lobbyists, lobbyist associates, and their employers. Lobbyists, lobbyist associates, and employers may not contribute to political action committees closely associated with a Legislator during a legislative session, unless their contributions are segregated in a fund that is not used to influence the election or defeat of any incumbent Legislators.
3.     Making a Contribution Through a Political Action Committee. During a legislative session, an organization that employs a lobbyist may not make a contribution through a political action committee with which the organization is affiliated or direct that the affiliated political action committee make a contribution to a Legislator.